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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re

LEHMAN BROTHERS HOLDINGS INC., *et al.*,

Debtors.

Chapter 11

Case No. 08-13555 (SCC)

Jointly Administered

**JOINT DESIGNATION OF ITEMS TO BE INCLUDED IN RECORD ON
APPEAL AND STATEMENT OF ISSUES ON APPEAL¹**

¹ The items designated for inclusion in the record and statement of issues described herein are in reference to two related appeals to be heard jointly: (1) *Attestor Capital LLP v. Lehman Brothers Holdings Inc.*, Case No. 1:18-cv-07682-KPF; and (2) *Deutsche Bank AG v. Lehman Brothers Holdings Inc.*, Case No. 1:19-cv-07804-KPF. Please transmit the items designated to the dockets of both appeals.

Pursuant to Rule 8009(a)(2) of the Federal Rules of Bankruptcy Procedure, Attestor Capital LLP, on behalf of funds under its management that hold Primary Claims² and Guarantee Claims, and Deutsche Bank AG and its Affiliates (collectively, the “Appellants”), by and through their undersigned counsel, respectfully submit the following joint designation of items to be included in the record and statement of the issues to be presented on appeal (the “Joint Designation of Record and Statement of Issues”) to the United States District Court for the Southern District of New York in connection with their appeals from the *Order in Aid of Execution of the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors* [Dkt. No.58572] (the “Order”) entered by the Bankruptcy Court for the Southern District of New York on August 15, 2018 granting the *Motion of the Plan Administrator for an Order in Aid of Execution of the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors* [Docket No. 58381] filed by Lehman Brothers Holdings Inc. (“LBHI”). This Joint Designation of Record and Statement of Issues is timely pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure.

JOINT DESIGNATION OF ITEMS FOR RECORD ON APPEAL

<u>Docket No.</u>	<u>Date</u>	<u>Description</u>
22973	12/05/11	Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors
23023	12/06/11	Order Confirming Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors
58381	07/10/18	Motion in Aid of Execution of Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors

² Capitalized terms used but not defined herein have the meanings ascribed to them in the *Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors* [Dkt. No. 22737].

58449	07/31/18	Objection of Attestor Capital LLP to Motion of the Plan Administrator for an Order in Aid of Execution of the Plan
58450	07/31/18	Objection of Deutsche Bank AG and Affiliates and Joinder in Objection of Attestor Capital LLP to Motion of Plan Administrator for an Order in Aid of Execution of the Plan
58487	08/07/18	Reply in Support of Motion of the Plan Administrator for an Order in Aid of Execution of the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors
58572	08/15/18	Order in Aid of Execution of the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors
58639	08/22/18	Transcript of August 14, 2018 Hearing on Motion in Aid of Execution of Modified Third Amended Joint Chapter 11 Plan before Judge Chapman ³

Veritext Legal Solutions will submit a corrected Transcript of the August 14, 2018 Hearing to the Bankruptcy Court after the soon to be submitted corrections from Appellants are made. Appellants intend for the corrected Transcript to be included in the record on appeal and reserve the right to amend or supplement the above joint designation of items to be included in the record on appeal.

JOINT STATEMENT OF ISSUES PRESENTED ON APPEAL

The issue on appeal from the Bankruptcy Court's Order is as follows:

1. Whether the Bankruptcy Court erred in determining that statutory interest payments arising post-petition under English law and received by Appellants as compensation for the delay in payment of its admitted claims in Lehman Brothers International (Europe)'s administration in the United Kingdom are "consideration provided on the corresponding Primary

³ Appellants intend to submit transcript corrections to Veritext Legal Solutions shortly.

Claims” in satisfaction of Appellants’ Guarantee Claims against LBHI under Section 8.13(a) of the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors.

Dated: New York, New York
September 4, 2018

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